

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
JUNE 6, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. ADJOURN TO SITE VISIT – BARTON COURT**
- 4. RECONVENE**
- 5. APPROVAL OF MINUTES:**
 - A. Draft Planning & Zoning Commission Meeting Minutes of May 17, 2016
- 6. DISCUSSION & RECOMMENDATION ON BARTON COURT – ROAD DEDICATION**
- 7. REQUEST FOR CHANGE IN ZONING FROM SU SPECIAL USE TO R2- CONVENTIONAL RESIDENTIAL**
property located at:
 - A. 560 Dinkle Road, Tract B, as shown on “Land Division of a portion of the Lands of Donald E & Mary E Huston”, being located in portions of Sections 14, 23, & 24, T10N, R7E, N.M.P.M., Santa Fe County, Town of Edgewood, NM 87015
- 8. DISCUSSION ON MINOR SUBDIVISION**
- 9. FINDINGS OF FACT AND CONCLUSION OF LAW & RECOMMENDED ORDER**
 - A. Zone change from SU Special Use to RE Residential Estate for property located at: 17 Hill Ranch Road.
 - B. Minor Subdivision, Lone Pine Ranch, Hwy 344 & Prairie Moon Road
- 10. RESOLUTION 2016-05 “RESOLUTION FOR PLANNING & ZONING COMMISSION”**
- 11. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS**
- 12. MATTERS FROM STAFF**
- 13. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**
 - A. Next Commission Meeting - 6/20/16
 1. Zone Change R1 – C2
 - B. Meeting of July 4th
- 14. ADJOURN.**

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

February 23, 2016

To Whom It May Concern,

I am writing this letter on behalf of the residents of Barton Court in Edgewood, NM. My name is Christine Baird at 10 Barton Ct. We have lived on this street since 1994. As long as we have lived here our street has been maintained and graded. It may have been a few times a year, but it was maintained (graded, plowed, and graveled). There should be a public record of maintenance. There were no ruts on our street. Recently this fall, a sign was put up at the end of the street that states "Edgewood Maintenance Ends Here." There has been no further maintenance on this street. With the heavy rains and snow, our street now has ruts. The ruts are getting deeper and more difficult to drive through. During the rain, only 4-wheel or all-wheel drive vehicles could get up the street. We are also concerned about the wear and tear on our vehicles.

On our street, many of the homes have elderly residents. With the exception of two homes, all have small toddlers and children. We have a Special Needs child with multiple disabilities in 1st grade. The school bus has had problems driving to our door. We are all concerned about safety issues. We feel as the street deteriorates that emergency help will be hindered. We heard that this was designated as a Private Road. Our road is not a dead end, and curves around to Moriarty Road. We are all taxpayers and pay to maintain our roads. We have been a part of Edgewood since it became a town, and we are in the town limits.

Thank you,

Craig and Christine L Baird

10 Barton Ct.

Edgewood, NM 87015

505-235-2043

PETITION REQUESTING DEDICATION/MAINTENANCE OF RIGHT-OF-WAY OR EASEMENT

The Undersigned, being the true owner[s] of record in fee simple thereof, hereby offer[s] And petition[s] the Town of Edgewood to accept the express dedication of _____ road as a public road for all purposes, and to that end, the undersigned hereby [do does] certify:

1. LEGAL DESCRIPTION: _____ Road as platted in exhibit "A"
2. PROOF OF OWNERSHIP. The undersigned petitioners swear under penalty of law to be the owners of property abutting upon or contiguous to the above described road, right-of-way or easement.

Name: Shane Kadinski
Address: 7 Barton Ct.
Telephone: 974-5797

Name: Wynne Chestmolewicz
Address: 03 Barton Ct
Telephone: ~~480~~ 780-3553

Name: John Harvick
Address: 13 Barton Ct.
Telephone: 505-728-7196

Name: Rebecca Chestmolewicz
Address: 03 Barton Ct
Telephone: 850-3514

Name: Julian Herrera
Address: 9 Barton Ct.
Telephone: (505) 908-8712

Name: John Ronquillo
Address: 17 Barton Ct.
Telephone: (505) 414-0090

Name: Craig Baird
Address: 10 Barton Ct.
Telephone: 505-280-2577
235-2043

Name: Stephanie Ronquillo
Address: 17 Barton Ct.
Telephone: (505) 414-0090

Name: Christine Baird
Address: 10 Barton Ct.
Telephone: 505-280-2577

Name: _____
Address: _____
Telephone: _____

Name: Robert Villa
Address: 12 Barton Ct.
Telephone: (505) 804-0067

Name: _____
Address: _____
Telephone: _____

Name: Brianny Heffelfinger
Address: 17 Barton Ct
Telephone: 315-416-5273

Name: _____
Address: _____
Telephone: _____

Barton Court Investigation

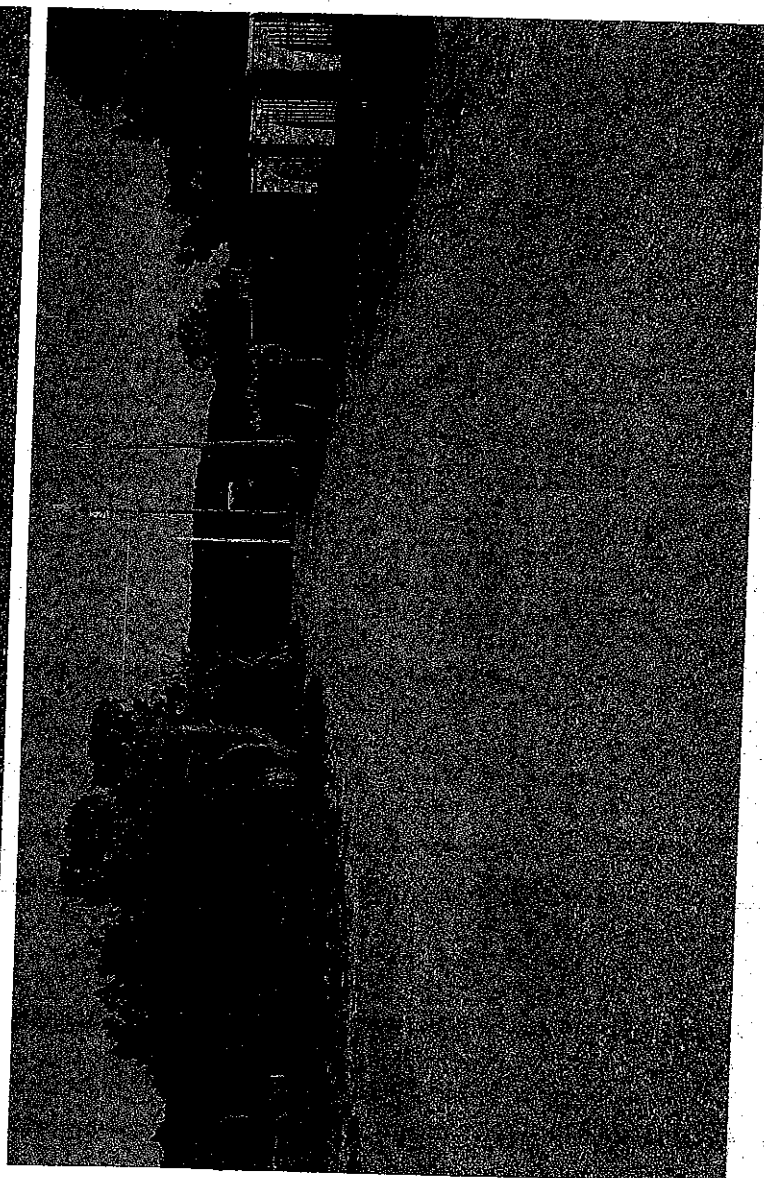
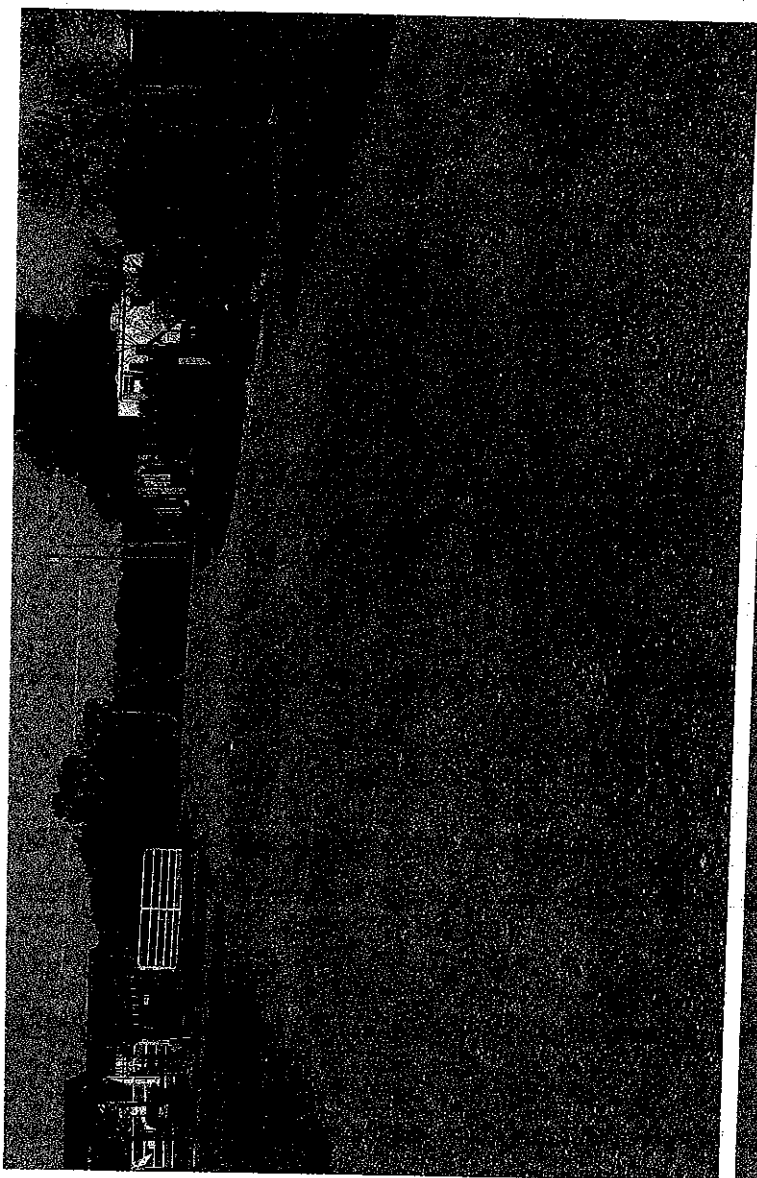
As requested an investigation of Barton Court was performed due to a petition requesting dedication / maintenance of right-of-way or easement. A visual inspection was performed and the following conditions were found. The road is approximately 938' in length and 20' wide for about the first 800' and then narrows to 16' wide. There are no ditches or culverts at driveways for drainage and the center of the road is rutted in areas due to water draining down the center of the road. There is base course in spots and is approximately 1" - 1 ½" thick. Currently the town maintains the first 175' of Barton Court from Edgewood 7 going west and the remainder is private. Edgewood maintenance ends signs were installed last year so that the road crew was aware that we only maintained the first 175' and didn't continue doing work on a private road and violate the states anti donation law. At the present time Barton Court does not meet the standards set forth in the Subdivision Ordinance No.2014-03 section 12. Design Standards Item K-3b Public Right of Way Standards for culverts at driveways entering roads and Item U Geometric Standard Summary that calls for a minimum width of 20' and 6" of base course thickness for a local place, lane or cul-de-sac. Based on these findings it is my recommendation that the remainder of Barton Court not be accepted for maintenance at this time. Photos attached

Respectfully

Norton Henninger

Road Supervisor

Town of Edgewood



U) **GEOMETRIC STANDARDS SUMMARY.** Design criteria for Roadways/Streets are summarized in the following table:

Criteria	LOCAL		COLLECTORS	ARTERIALS	
	Place Lane or Cul-de-sac	Subcollector		Minor	Major
Public Right-of-Way (feet)	24' to 50'	50'	50'	66' to 86'	100'
Minimum Driving Surface (feet)	20' to 22' Base Course	24' Base Course	24' Asphalt	24' Asphalt	24' Asphalt
Top course Depth (inches)	6"	6"	3"	4"	5"
Traffic Lanes	2	2	2	2 to 4	2 to 6
Lane Width (feet)	10' to 11'	12'	12'	12'	12'
Shoulder Width (feet)	N/A	N/A	18" Base Course	6'	6'
Max. Grade (percent)	11	10	10	6-8	6-8
Design Speed (mph)	25	25	25-35	45-55	45-55
Projected Average Daily Traffic (vehicles/day)	0 to 300	301 to 600	601 to 1999	2000 to 4999	5000 +
Lots or Units Served	0 to 29	30 to 59	60 to 199	200 to 499	500 +

V) **MAILBOX INSTALLATIONS.** A mailbox installation area shall be provided by the Subdivider for all developments consisting of ten (10) or more Lots. All mailbox installations must meet the requirements of the U.S. Postal Service and drainage culverts shall be required for entrance and exit areas to the mailboxes.

SECTION 13. WAIVERS, VARIANCES, AND MODIFICATIONS.

Whenever a tract to be subdivided is of such unusual size or shape, and/or is surrounded by other development or unusual conditions that would cause the strict application of the infrastructure requirements of this Ordinance to result in real difficulties and/or substantial hardships beyond those normally contemplated or expected, the Planning & Zoning Commission or the Town governing body may waive, vary, or modify those requirements to allow the Subdivider to develop the property in a reasonable manner, provided that the public welfare and interests are preserved. However, no Waiver, variance, modification, and/or exception may be granted if it will be detrimental to the public good or impairs the intent and purpose of this Ordinance. All Waivers, variances, modifications and exceptions shall be entered in the records of the Planning & Zoning Commission and must be accompanied by a statement setting forth the reasons justifying the decision. Further, in granting the Waiver, variance, modification, and/or exception, the Planning & Zoning Commission or the Town governing body may impose any conditions which will, in its judgment, substantially secure the objectives of the standards or requirements involved. This provision is inapplicable to Minor Subdivisions.

Town of Edgewood Road Maintenance List

Name	Extension	Zone Atlas Map	Beginning	Termini	Surface	Length in feet
Range	Road	L41	Capital Road	64 Range Road		3375.0
Appaloosa	Lane	M39	Edgewood 7	Steeplechase Drive		1913.0
Aspen	Road	K41	Quail Trail	Pine Street		337.0
Barton	Road	L39	County Road 7	Lot 5, Block 6		175.0
Bassett Road (CR13)	Blvd	J42	Dinkle Road	Venus Road		5280.0
Benjamin	Trail	H39	W. Hill Ranch Road	Madole Road		1195.0
Blue Mule	Drive	M39	Steeplechase Drive	Steeplechase Drive		2280
Blue Mule	Court	M39	Tract 8	Blue Mule Drive		164.0
Broken Arrow	Trail	F38	Nugent	Lands of Horton	base course	13200.0
Cactus	Road	L40	Frontage Road	Church Street		2640.0
Calle Encantada		M40	Edgewood 7	Calle Encantada		3115.0
Camino De Medio	Road	L39	Entrada Del Norte	Tract 7B		1312.5
Camino del Sur		L39	Entrada Del Norte	Vista Cerritos		1207.0
Capital	Road	L40	Pinon	McCall Road		1425.0
Church- East	Road	L40/L41	Hwy 344	Williams Ranch Road	chip seal	10560.0
Church- West	Street	K39	Hwy 344	Thru Lot 2-C-2-R		2280.0
Cody	Road	L39	Walker Road	South to the end		1050.0
Cowboy	Way	K38	Horton Road	Cul-de-Sac	asphalt	5550.0
CR2-A (A 102)	Road	M41	V-Hill Road	West to the End		2640.0
Derecho	Lane	L39	Camino Derecho West	to the end		525.0
Derecho Ln/Camino Derecho (adopted 10/5/05)	Road	L39	Highway 66	Cul-de-Sac		487.0
Dinkle	Road	K37	Sunset Blvd	150' W of Thunder Mountain	asphalt	1050.0
Dinkle East	Road	J41	Hwy 344	1/2 mile E of Bassett Road	asphalt chip seal	18480.0
Dinkle West	Road	J41	Hwy 344	Horton Road	asphalt	5280.0
Duke	Road	M39	Moriarty Road	Bella Vista Drive	asphalt	1396.0
Edgewood	Road	M39	Edgewood 7	Mountainair Ave		965.0
Edgewood 7	Road	L39	Hwy 333/Rt 66	Windmill Road	asphalt	7930.0
Eitzen	Road	L39	Lot 3, Block 5	Lot 1, Block 5		444.0
El Prado	Drive	K40	Dinkle Road	Quail Trail		2625.0
Entrada Del Norte	Road	L39	Hwy 333/Rt 66	Walker Road		2640.0
Entranosa	Lane		Mountain Valley	East 2583'		2583.0
Entranosa	Road	D39	Lands of Padilla			703.1
Entranosa	Road	E37	County Line	Horton		10560.0

updated 5/20/16

Town of Edgewood Road Maintenance List

Name	Extension	Zone Atlas Map	Beginning	Termini	Surface	Length in feet
Range	Road	L41	Capital Road	64 Range Road		3375.0
Entranosa	Road	D37, D38	County Line	Horton Road		
Epoch	Drive	J40	Dinkle Road	Lot 12/13	asphalt	3261.0
Evening Star	Court	H41	Evening Star Loop	Lots 12/13	asphalt	310.0
Evening Star	Loop	H41	Venus Road (CR10)	Lots 53/54	asphalt	2957.2
Frost	Road	E37	Tract 1-C Comanche CT.	1/4 mile east of Horton Road	asphalt	9495.0
Frost East	Road		Hwy 344	1575' East of Horton	asphalt	750.0
Half Moon	Road	H41	Evening Star Loop	Lots 25/26	chip seal	549.7
Hermosa Montana	Lane	H39	Hwy 344	Serania drive		925.8
Hermosa Montana	Lane	H39	Serrania Drive	Lot 5 & 6		329.4
High Meadow Loop		G40	Hwy 344	High Meadow Loop		8640.0
Hill Ranch East (CR12)	Road	H40	Hwy 344	End	asphalt	5040.0
Hill Ranch West (CR12)	Road	9	Hwy 344	Koli Court		9862.0
Homestead	Road	J41	Rainbow Road	Dinkle Road		3168.0
Horton	Road	D38	Entransa Road	Disc Drive		3150.0
Horton	Road	J38	Dinkle Road	Venus Road		5280.0
Horton	Road	G38	Hill Ranch Road	Hawkeye		2640.0
Horton	Road	K38	North Frontage Road	Dinkle Road		4800.0
Horton (CR 5-B)	Road	F38	Nugent	Frost		5280.0
Horton (CR 5-B)	Road	E38	1453' N of Frost Road Lands of Horton	375' N of Horton Loop Lands of Horton		2640.0
Horton (CR5-B)	Road	H39	Tract B2 (S8) Ullrich Tr 1 B 1B D Brazfield	Hill Ranch Road		2640.0
Howard	Court	L40	Capital Road	Cul-de-Sac		890.0
Kennedy	Road	M41	Tract 1-R-1-B	V-Hill Road		1648.0
Lacy	Lane	H39	Square H	Hwy 344		1875.0
Ladera	Court	M40	Calle Encantada	Cul-de-Sac		328.0
Lindsey	Lane	G40	E. Hill Ranch Road	Cul-de-Sac		703.9
Madole	Road	H39	Hwy 344	Square H Road		4875.0
Main	Street	L40	Frontage Road	Cactus Road		1041.1
McCall	Road	L40	Frontage Road East	Capital Road	chip seal	2850.0
Meadowlark	Lane	J41	Mountain Trail	Dinkle Road		1320.0
Morgan	Drive	M39	Steeplechase	Windmill Road		1500.0
Morgan	Court	M39	Morgan Drive	Cul-de-Sac		187.0
Moriarty	Road	M39	Edgewood 7	Duke Road	asphalt	1407.0
Moseley (CR11 A)	Road	H41	Venus Road (S12)	CR12 A 1/2 mile north		7920.0

Town of Edgewood Road Maintenance List

Name	Extension	Zone Atlas Map	Beginning	Termini	Surface	Length in feet
Range	Road	L41	Capital Road	64 Range Road		3375.0
Mountainair	Road	M39	Moriarty Road	Edgewood 7		1050.0
Mustang	Road	K39	Hwy 344	Horton Road		5280.0
Northland	Road	F39	Nugent Road	Northland Road		1012.0
Nugent	Road	F38	Straitway	Horton Road		9780.0
Nugent	Road	F39	225' West of Northland Road	Hwy 344		3600.0
Palmino	Court	M39	Steeplechase	Cul-de-Sac		450.0
Palmino	Road	M39	Steeplechase	593' west		593.0
Paradise	Road	M41	Skyline Drive	County Road 2-A		1687.5
Park	Road	L40	Lot 46	Quail Trail		3900.0
Pinon	Road	L40	Cactus Road	Quail Trail		3900.0
Pinto	Court	M39	Steeplechase	Cul-de-sac		430.0
Pinto (CR 6B)	Road	K39	Hwy 344	Lot 5-C1-A-1E		4912.0
Plaza	Loop	L39	Hwy 344	Hwy 333/Rt 66		1848.0
Plaza Loop	Court	L39	Plaza Loop	Hwy 333/Rt 66	asphalt	247.0
Prairie Moon	Road	K40	Hwy 344	Tract 44-DR		2100.0
Quail	Trail	K41	Dinkle Road	Pinion Road	asphalt	7960.0
Rainbow	Road	J41	Dinkle Road	Thru Lot 1A Block 1 Homestead Acres	asphalt	2140.0
Riverview	Road	M42	V-Hill Road	Hwy 333/Rt 66		4725.0
Roberts	Drive	K40	Quail Trail	187' west		187.0
Robin	Court	L41	Range Road	North 450'		450.0
Salida Del Sol	Trail	K39	Dinkle Road	Dinkle Road	asphalt	3645.0
Serrania	Drive	H39	Venus Road (CR10)	Tract 15/16 (boundary of subdivision)		2640.0
Skyline	Drive	M41	Hwy333/Rt 66	Section Line	asphalt	4500.0
Square H	road	H39	Hwy 344	Horton		6067.0
Stanley	Road	M39	Edgewood 7	Mountainair Ave		965.0
Steeplechase	Drive	M39	Moriarty Road	Windmill Road		5438.0
Venus- East	Road	H39	Hwy 344	Bassett Road		15840.0
Venus-West	Road	h39	Hwy 344	Horton Road		5280.0
V-Hill	Road	M41	Interstate 40	County Road 2-A		2295.0
Vista Cerritos		L39	Camino del Sur	Section Line		1760.0
Walker	Road	L39	Edgewood 7	Entrada Del Norte		3937.5
West Quail	Run	K40	Quail Trail	west 94'		94.0
Willard East	Road	M40	Edgewood 7	965' East		965.0
Willard West	Road	M39	Edgewood 7	Mountainair Ave	asphalt	965.0

Town of Edgewood Road Maintenance List

Name	Extension	Zone Atlas Map	Beginning	Termini	Surface	Length in feet
Range	Road	L41	Capital Road	64 Range Road		3375.0
Willard West	Road	M39	Duke Road	the end	asphalt	2625.0
Williams Ranch	Road	L42	Cattle Guard	Church Road	asphalt	6030.0
Windmill	Road	M39	975' W of Morgan Road	East to top of Hill	asphalt	4027.0
TOTAL DEDICATED						336954.7

**DRAFT MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
MAY 17, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

Chairman Dan Thompson called the meeting to order at 6:00 pm.

Commissioners present were: Larry Sullivan, Cheryl Huppertz, & Dan Thompson. Also present were: Juan Torres, Town Clerk/Treasurer, & Bonnie Pettee, Planning & Zoning. Commissioner Garry Bryant was not present.

2. APPROVAL OF AGENDA.

MOTION: Commissioner Huppertz made a motion to approve the agenda for the May 17, 2016 meeting. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of May 10, 2016.

Commissioner Sullivan asked for two clarifications in the minutes. The first being in regards to the vote in the land matters considered; the "Findings" for the zone change and the lot line vacation. The minutes state "All Commissioners voted aye". Commissioner Sullivan was not present and, therefore, did not vote. Secondly, he would like the minutes to reflect that the lot line vacation was not treated as a Minor Subdivision.

MOTION: Commissioner Huppertz made a motion to approve the Minutes of May 10, 2016 with the noted corrections. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

There were none.

5. OVERVIEW OF EDGEWOOD WASTE WATER SYSTEM- Discussion with Tappan Mahoney, Dennis Engineering.

Tappan Mahoney from Dennis Engineering introduce himself. Dennis Engineering is contracted for engineering services for the Town of Edgewood. He asked the Commissioners what topics they would like him to address.

Commissioner Sullivan was interested in hearing about the collection, transmission, lift stations, capacity and reuse purposes.

Mr. Mahoney showed a map of the locations of the wastewater plant, current lines and manholes. He explained the path the effluent takes to the plant and after processing, how it is pumped back to the hydrants for reuse. He noted the hydrants are located at the lift station on Church Street and the Sonic on Edgewood 7. Mr. Mahoney explained the plant is a Bio Membrane Plant, which means the general method of treatment is filtering the water through membrane plates.

Commissioner Huppertz inquired what the effluent water is used for.

Mr. Mahoney replied dust suppression along the roads and construction uses. It is also suitable for plants as is it graded as Class A1, which is the highest grade the effluent can achieve. Regarding capacity, Mr. Mahoney explained that this is based on flow and concentration. Currently, the Town has reached its capacity and is looking at options for improvements and/or expansion.

Commissioner Sullivan asked if there was land to accommodate any upgrades in the plant and if the wind turbine on the property plays into the process.

Mr. Mahoney replied that there is an additional 35 acres available. The wind turbines help to offset the plant electricity bills.

With no further questions, Chairman Thompson thanked Mr. Mahoney for his time and presentation.

6. REQUEST FOR CHANGE IN ZONING FROM SU SPECIAL USE TO RE RESIDENTIAL ESTATE for property located at:

- A. 17 W. Hill Ranch Road, SE ¼ of Section 4, T10N, R7E, N.M.P.M, Town of Edgewood, Santa Fe County, NM; Lands of Howard and Dona Hill Trust

Chairman Thompson introduced the request for zone change and asked for the staff report. Bonnie Pettee presented the staff report. Ms. Pettee stated that request is for a zone change from SU-Special use to RE-Residential Estate on a 9.4 acre parcel. The current owner is Calvary Chapel. They were granted a Special Use around 2004 for the purpose of a church. Since the property is divided into four (4) parcels, the church has decided to sell two of them. The applicant is requesting that the property be zoned RE-Residential Estate for the purpose of building a family home with a barn and outbuildings for storage. Ms. Pettee stated that the request is not detrimental to public welfare and will not impair the value of adjacent properties or the character of the community. The subject property is in compliance with the RE-Residential Estates zoning and consistent with zoning on the adjacent properties, and therefore, the Staff recommends approval of the request.

Mr. Terry Milford, the applicant stated he had nothing to add to the staff report but will be willing to answer any questions the Commission members had.

Commissioner Sullivan asked about a dotted line that appeared on the west side of the plat, if it was an easement.

Mr. Milford replied yes, it was a 20' access easement.

Commissioner Sullivan stated 20' was restrictive, if you wanted two way traffic and drainage. He asked about access for the parcel north of the subject property.

Mr. Milford added there is a 50' easement on the north side of the adjacent property that is accessible from State Hwy 344.

There were no further questions.

MOTION: Commissioner Huppertz made a motion to approve the request for zone change from SU-Special Use to RE Residential Estate for property located at 17 Hill Ranch Road, SE ¼ Section 4, T10N, R7E, N.M.P.M; Town of Edgewood, Santa Fe County, NM; Lands of Howard and Dona Hill Trust.

Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

7. PUBLIC HEARING. QUASI JUDICIAL PROCEDURE: Certification that public notice of this meeting has been posted as required:

Ms. Pettee confirmed the public notice had been published as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Mr. Tim Oden and Ms. Bonnie Pettee were sworn in for testimony.

Confirmation of no conflict of interest or ex-parte communication.

Commissioner Huppertz confirmed she had no conflict of interest or ex-parte communication.

Commissioner Sullivan stated he had a brief conversation with a citizen prior to the meeting. He told the gentleman he would be allowed to speak during the hearing. Commissioner Sullivan confirmed that is the extent of his ex-parte communication.

Chairman Thompson confirmed he had no conflict of interest or ex-parte communication.

- A. Request for approval of a Minor Subdivision consisting of 3 lots, being Parcel A, Lone Pine Ranch, located at State Hwy 344 and Prairie Moon Road, Section 22, T10N, R7E, Town of Edgewood, Santa Fe County, N.M.P.M.

Bonnie Pettee presented the staff report. She gave a brief history of the subject land and stated the applicant is seeking approval for a three (3) lot split of the remaining parcel of Lone Pine Ranch, known as Parcel A. Tract A-1 consists of 60 acres. Tract A-2 consists of 20 acres. Tract A-3 consists of 62.2 acres, a home and barn. She explained that since there were no plans for development, the infrastructure needs were not known. Ms. Pettee added that easements for utilities were provided for on the plat. Future development would require road improvements along Prairie Moon Road and State Hwy 344. Applicable regulations would need to be met.

Mr. Tim Oden, agent for the applicant, stated he had nothing to add to the staff report. He explained the location of each tract. He added the property has been for sale for a long time, maybe small lots would be easier to sell. There have been potential buyers expressing interest, but at this time there are no development plans.

Commissioner Sullivan asked if the 60' ROW easement along Hwy 344 belongs to Santa Fe County. Mr. Oden replied it was granted to them, but they do not express ownership or maintenance. There is no documentation that conveys the easement to NMDOT.

Commissioner Sullivan asked if there was any documentation that states the county will allow public utilities in there easement.

Mr. Oden replied he was not aware of any.

Commissioner Sullivan noted that the 20 acre parcel in the middle would be cut off from utilities without an easement.

Mr. Oden explained that the owners of the property requested that easements would be omitted from the plat until they reached the development stage.

With no further questions, Chairman Thompson closed the Public Hearing.

Commissioner Sullivan stated he was not in favor of approving the subdivision request without easements and other contents of the plat; such as setbacks, as stated in the Subdivision Ordinance, Section 8. C. Contents of the Plat.

MOTION: Commissioner Huppertz made a motion to table the request for additional information.

Mr. Oden stated the applicant was not in favor of tabling the request. He would rather they approve it with conditions or deny it.

Commissioner Huppertz withdrew her motion.

MOTION: Commissioner Sullivan made a motion to approve the request for a minor subdivision, consisting of 3 lots, being Parcel A, Lone Pine Ranch, located at State Hwy 344 and Prairie Moon Road, Section 22, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM with the following conditions:

1. Compliance with the minor subdivision plat contents as required in Subdivision Ordinance, Section 8. C.3.
2. The owners set aside a new 20' easement east of the existing 60' easement.

Commissioner Huppertz seconded the motion.

VOTE: Commissioner Sullivan voted aye. Commissioner Huppertz voted aye. Chairman Thompson voted aye. The motion carried.

8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

Commissioner Sullivan expressed his appreciation for the presentation from Dennis Engineering and the support of the Commissioners to have Mr. Mahoney at our meeting.

Regarding the Resolution for the Planning Commission to be approved at the next meeting, Commissioner Sullivan stated he would like to see three things added. The first was that the recordings of the meetings be saved and archived. He would look into the State archive, if necessary.

Juan Torres replied that the Town downloads the recordings to our website and they are archived there. Agendas and Packets are also on the site. Everything on the computers is backed up routinely.

Commissioner Sullivan noted that he had read the case regarding the City of Albuquerque vs. Albuquerque Commons, suggested by Anita Miller at our workshop last week. He stated that he felt it was a very informative article. The article explains the need to make a clear statement in our "Findings" why the facts of that case lead to the decisions we make. He noted the Minor Subdivision issues and conversations the Commission has had lately and the need to find a way to update the Ordinance and relax the requirements. He added that easements were necessary on all plats to avoid land lock situations from happening.

A brief discussion ensued regarding Minor Subdivisions.

Commissioner Sullivan stated the third things he would like to see is the graphics projected on a wall or a screen, so that they are easier to read. He would like these three items added to the "rules".

9. MATTERS FROM STAFF.

Mayor Bassett addressed the Commission regarding Planning & Zoning reference material. He wanted to make sure they had copies of the information. He also spoke about the upcoming site visit and how it would be handled.

Ms. Pettee stated she had planned on talking about the Minor Subdivision Section of the Ordinance, but since we had already, she would not bring it up again.

Commissioner Sullivan stated he would like to amend the appropriate zoning classifications to add the height requirement back in.

Mr. Torres stated that he wanted to address Ordinance changes. When the Commission has suggestions for changes to the ordinances, if they would bring them to him, he will forward their recommendations to Council.

10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting - 6/6/16 - Zone Change from SU - Special Use to R-2 Residential for property on Dinkle Road.

B. Road Dedication

Ms. Pettee reviewed the items on the next agenda and asked if there were any discussion items the Commission would like added.

It was a consensus of the Commissioners that there was enough on the agenda already.

11. ADJOURN.

MOTION: Commissioner Huppertz made a motion to adjourn tonight's meeting. Commissioner Sullivan seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

Chairman Dan Thompson adjourned the meeting of May 17th, 2016 at 8:13 pm.

PASSED, APPROVED AND ADOPTED this 6th day of JUNE, 2016.

Dan Thompson, Chairman

ATTEST:

Cheryl Huppertz, Vice Chairperson

**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT**

SUBJECT : 2016-ZC 002
APPLICANT: Larry & Dorothy Miller

REQUESTED ACTION:

The applicant is seeking a Zone Change from SU- Special Use to R2-Conventional Residential Zoning for 7.5 acre parcel located at 560 Dinkle Road, Tract B, as shown on "Land Division of a portion of the Lands of Donald E & Mary E Huston" being located in portions of Sections 14, 23 & 24, T10N, R7E, N.M.P.M., Santa Fe County, Town of Edgewood, NM 87015.

APPLICATION EXHIBITS:

- A) Staff Report
- B) Application for Zone Change
- C) Applicant's Narrative
- D) Plat: Lands of Donald & Mary Huston
- E) Warranty Deed: Recorded January 2, 2015
- F) Site Plan
- F) Improvement Location Report
- G) Zone Map Section
- H) Zone Atlas Map

APPLICABLE REGULATIONS

Zoning Ordinance

Section 13. R2- Conventional 2 Acre Residential
Section 25. SU- Special Use
Section 29. Off Street Parking
Section 40. Amendments

LOCATION

Subject property is located at: 560 Dinkle Road, Tract B, Edgewood, NM

BACKGROUND

The applicant submitted a request for Zone Change from SU-Special Use to R2- Conventional Residential for 7.5 acres located a 560 Dinkle Road, on May 9, 2016. The subject property is a portion of a larger parcel that was granted a Special Use zoning in the early 1980s for gravel

production and later a construction company. The purpose for the special use is no longer needed.

In 2014, the applicants purchased the 7.5 acre parcel with the house and shop/storage building on it. It is their desire to use the home for short term rentals and the shop building for classes or various types of events.

The R2- Conventional Residential zoning is permitted on properties larger than two (2) acres. Boarding, Rooming and Lodging houses are allowed in R2 zoning upon the granting of a Conditional Use permit. Provisions for 10 off street parking spaces have been provided. The Town of Edgewood Zoning Ordinance, Section 29- Off Street Parking requires "lodges" to have one (1) space per 100 square feet. For places of assembly, one (1) space per 4 seats is required.

The request to change to R2- Conventional Residential on the subject parcel is consistent with the zoning on surrounding properties.

PROJECT DESCRIPTION

The subject parcel has an existing home and shop on it. There are no plans for additional development. The property to the north is zoned R-2 Conventional Residential, to the west is zoned R-1 Residential. Land east and south is zoned Special Use.

STAFF ANALYSIS

1. Staff performed a review of the application, submitted materials, and applicable ordinances.
2. The request is in compliance with the requirements of the R2-Conventional Residential zoning and is consistent with the zoning on the adjacent properties.
3. It is the opinion of staff that this request is not detrimental to the general public welfare; and will not impair the value of adjacent properties, not impair the integrity and character of the zoning district.
4. Upon approval of the zone change and Conditional Use Permit, the applicant will be required to obtain a Town of Edgewood Business License before rentals may take place.

STAFF RECOMMENDATION

It is the recommendation of staff that the request for zone change from SU-Special Use to R2-Conventional Residential zoning for the subject properties be approved.

Should any future development take place, the property shall be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire And Rescue Impact Fees
- Grading & Drainage Ordinance
- Landscaping Ordinance
- Sign Ordinance
- Uniform Fire Code
- Zoning Ordinance

Town of Edgewood

APPLICATION FOR ZONE CHANGE

SHADED AREA FOR STAFF USE ONLY

RECEIVED BY: _____
APPROVED BY: _____

DATE RECEIVED: _____
APPROVED DATE: _____

CASE NO. _____
ZONING: _____

NAME OF APPLICANT: CHARLES LARRY & DOROTHY E. MILLER

APPLICANT ADDRESS: PO Box 1857 EDGEWOOD NM 87015
Street City State Zip
68 MEADOWLARK

APPLICANT PHONE: HOME: 286-2181 BUSINESS: CELL (575) 937-7547
FAX: _____ FAX: _____

ADDRESS OF PROPERTY FOR WHICH REZONING IS REQUESTED:

506 PINKLE

PRESENT ZONING OF PROPERTY: SPECIAL USE REQUESTED ZONING OF PROPERTY: R-2 CONVENTIONAL
2-ACRE

OWNER OF ABOVE DESCRIBED PROPERTY:

CHARLES LARRY & DOROTHY E. MILLER

OWNER ADDRESS: 68 MEADOWLARK EDGEWOOD NM 87015
Street City State Zip

OWNER PHONE: HOME: 286-2181 BUSINESS: CELL (575) 937-7547
FAX: _____ FAX: _____

PRESENT USE OF PROPERTY: SHORT TERM VACATION RENTAL

FEE: _____



NOTICE AND DISCLAIMER

The staff acts in an advisory position only and will provide you with the recommendations, whether positive or negative, that will be forwarded to the Planning Commission.

If you take any action, make any financial commitments or expenditures based on staff, Planning Commission, or Town Council member statements before final action is taken on your application, you are doing so at your own risk.

The Town of Edgewood, its elected and appointed officials, agents, attorneys, and employees, will not in any way be responsible or liable for any losses of any kind whatsoever by you in the event that your application is not granted.

Your signature(s) on this document verifies (verify) that you have read and completely understand this document.

Applicant: Charles Larry Miller (Signature) Date: 1/25/2016

Type or Print Applicant Name: CHARLES LARRY MILLER, DOROTHY E. MILLER

Owner: Charles Larry Miller, Dorothy E. Miller (Signature) Date: 1/25/2016

Type or Print Owner Name: CHARLES LARRY MILLER DOROTHY E. MILLER Submitted 4/18/2016
5/6/2016

CASE NO.: _____

COMMUNITY DEVELOPMENT

ZONE CHANGE CHECKLIST

APPLICATION FOR ZONE CHANGE SHALL BE ACCOMPANIED BY THE FOLLOWING:

- ☐ COPY OF GENERAL WARRANTY DEED FOR THE PROPERTY OR PROPERTIES FOR WHICH APPLICATION IS MADE.
- ☐ CERTIFIED BOUNDARY SURVEY FOR WHICH APPLICATION IS MADE.
- ☐ SITE PLAN SHOWING LOCATION OF ALL EXISTING AND PROPOSED BUILDINGS, OTHER CONSTRUCTIONAL FEATURES, AND LANDSCAPING -- DRAWN TO SCALE WITH ALL DIMENSIONS AND THE LOCATION OF THE ZONE CHANGE IDENTIFIED.
- ☐ ARCHITECTURAL ELEVATIONS FOR ANY PROPOSED BUILDINGS ON THE SUBJECT PROPERTY.
- ☐ COMMERCIAL REZONING: A WRITTEN DESCRIPTION OF PROPOSED OPERATION IN SUFFICIENT DETAIL TO INCLUDE HOURS OF OPERATION; NUMBER OF EMPLOYEES; TYPE OF MACHINERY; PLANS FOR OUTDOOR STORAGE; EFFECTS OF OPERATION IN PRODUCING AIR AND WATER POLLUTION, ODOR, NOISE, GLARE, FIRE OR OTHER FIRE SAFETY HAZARDS, AND TRAFFIC CONGESTION.
- ☐ RESIDENTIAL REZONING: A WRITTEN DESCRIPTION OF THE PROPOSED USE OF PROPERTY INCLUDING NUMBER AND SIZE OF PROPOSED UNITS; NUMBER OF OFF-STREET PARKING SPACES; OPEN SPACE, RECREATIONAL FACILITIES; LANDSCAPE PLANS, AND REASONS FOR THE REZONING REQUEST.
- ☐ OTHER INFORMATION OR STUDY NEEDED: _____

Charles Larry & Dorothy E. Miller
P. O. Box 1857
Edgewood, NM 87015
H (505) 286-2181, C (575) 937-7547, C (505) 850-2335, Email: clandde@gmail.com

May 6, 2016

Planning & Zoning Commission
Town of Edgewood
Edgewood, New Mexico

Planning & Zoning Commission Members:

Attached is our application for a zone change for 506 Dinkle, Edgewood, New Mexico. We request that the property, 7.525 acres, currently zoned for SU, Special Use, be changed to R-2, Conventional 2-Acre Residential Zone.

Our plan is to use the property, a three to four bedroom residence and shop, for short-term rental. We plan to make the home available in its entirety or half of the residence for overnight rental. Clients would be able to spend one or two days up to a week or one month as guests with appropriate market rental fees. Food service is not included. In addition, the shop will be used to support the home for classes, events, meetings, storage, maintenance, etc.

Number of off-street parking spaces: 10+

Open space, recreational facilities: 7.5+ acres of open space to enjoy the beauty of Edgewood.

Landscape plans: Residence is already landscaped with trees, bushes, & flowers supplied by a drip irrigation system. Xeriscape materials already exist.

Reason for rezoning request: To comply with Town of Edgewood zoning ordinances.

Included in this application are the following:

Town of Edgewood Application for Zone Change

Copy of general warranty deed for the property

Copy of certified boundary survey

Improvement Location Report to use as a copy of site plan showing location of all existing buildings.

The property is currently zoned for special use which was approved in the early 1980's for Sun & Soil, Inc. and Huston Construction for adobe brick and gravel production followed by rammed home construction. The former owners and our parents, Don & Mary Huston, have passed and the purpose of the special use zone for these 7.5+ acres is no longer necessary for these purposes. In December 2014, we purchased the property and desire to change the use of the home & as mentioned above.

We request approval of this proposed zone change and are prepared to answer any questions you have.

Sincerely,


Charles Larry Miller


Dorothy E. Miller

Attachments

154018

RECORDED at the section correct common to Section 13, 14, 21, 24, T.10N., R.7E., W.R.P.M., Section 15, 22, and 24, T.10N., R.7E., W.R.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

NEW SECTION. Said corner being on the easterly boundary of the tract herein described:

VICINITY MAP
1"=5000'



NOTE:
DOMESTIC WATER WELLS SHALL NOT BE PERMITTED TO BE DRILLED ON TRACTS A OR B AS PER THE SANTA FE COUNTY LAND USE CODE.

27 June 1945

TOTAL = 508.434 ACRES
ROADS = 7.275 "
NET = 501.159 "

Prepared by:
T. R. Oden Surveying Services
Box 978, Eunice St., at Central Ave.
Mesa, Arizona 85204

Return to:

Return To: FT000167755
FIDELITY NATIONAL TITLE INSURANCE CO.

Fidelity National Title of New Mexico, Inc
8220 San Pedro NE, Ste. 160
Albuquerque, NM 87113

GF# FT000167755-NM07

e-Recorded 1754198 01/02/15 SFC

WARRANTY DEED
(Joint Tenants)

E.
Dorothy Miller, a married woman joined by spouse Charles L Miller as their interest may appear

for consideration paid, grant to

Charles L Miller and Dorothy E Miller, husband and wife

whose address is 560 Dinkle Road, Edgewood, NM 87015

as joint tenants the following described real estate in Santa Fe County, New Mexico:

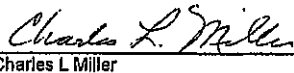
Tract B, as shown on "Land Division of a portion of the Lands of Donald E. & Mary E. Huston being located in portions of Sections 14, 23 & 24, T10N, R7E, NMPM, Santa Fe County, N.M., filed in the office of the County Clerk of Santa Fe County, New Mexico on July 19, 1985 in Plat Book 154, page 018.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2014, and subsequent years.

Witness our hands and seals this 30 day of December, 2014.


Dorothy Miller


Charles L Miller

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF BERNALILLO


This instrument was acknowledged before me this 30th day of December, 2014 by Dorothy Miller and Charles L Miller

My Commission Expires:

(Seal)



OFFICIAL SEAL
MARK R. DORAK
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 6-28-16


Notary Public



COUNTY OF SANTA FE) STATE OF NEW MEXICO) ss	WARRANTY DEED PAGES: 1
I Hereby Certify That This Instrument Was Filed for Record On The 2ND Day Of January, A.D., 2015 at 08:10:05 AM And Was Duly Recorded as Instrument # 1754198 Of The Records Of Santa Fe County	
Deputy - EFMARTINEZ	Witness My Hand And Seal Of Office Geraldine Salazar County Clerk, Santa Fe, NM

IMPROVEMENT LOCATION REPORT

THIS IS TO CERTIFY,
TO TITLE COMPANY: FIDELITY NATIONAL TITLE OF NEW MEXICO, INC.
TO UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY
TO LENDER: VAN DYK MORTGAGE CORPORATION : ISAOA
THAT ON DECEMBER 24, 2014, I MADE AN INSPECTION OF THE PREMISES SITUATED AT /
NEAR EDGEWOOD, SANTA FE COUNTY, NEW MEXICO, BRIEFLY DESCRIBED
AS: 506 DINKLE ROAD.

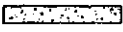
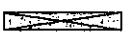
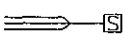
DESCRIPTION:

TRACT B, AS SHOWN ON "LAND DIVISION OF A PORTION OF THE LANDS OF DONALD E. & MARY E. HUSTON BEING LOCATED IN PORTIONS OF SECTIONS 14, 23 & 24, T10N, R7E NMPM, SANTA FE COUNTY, N.M., FILED IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO ON JULY 19, 1985 IN PLAT BOOK 154, PAGE 018."

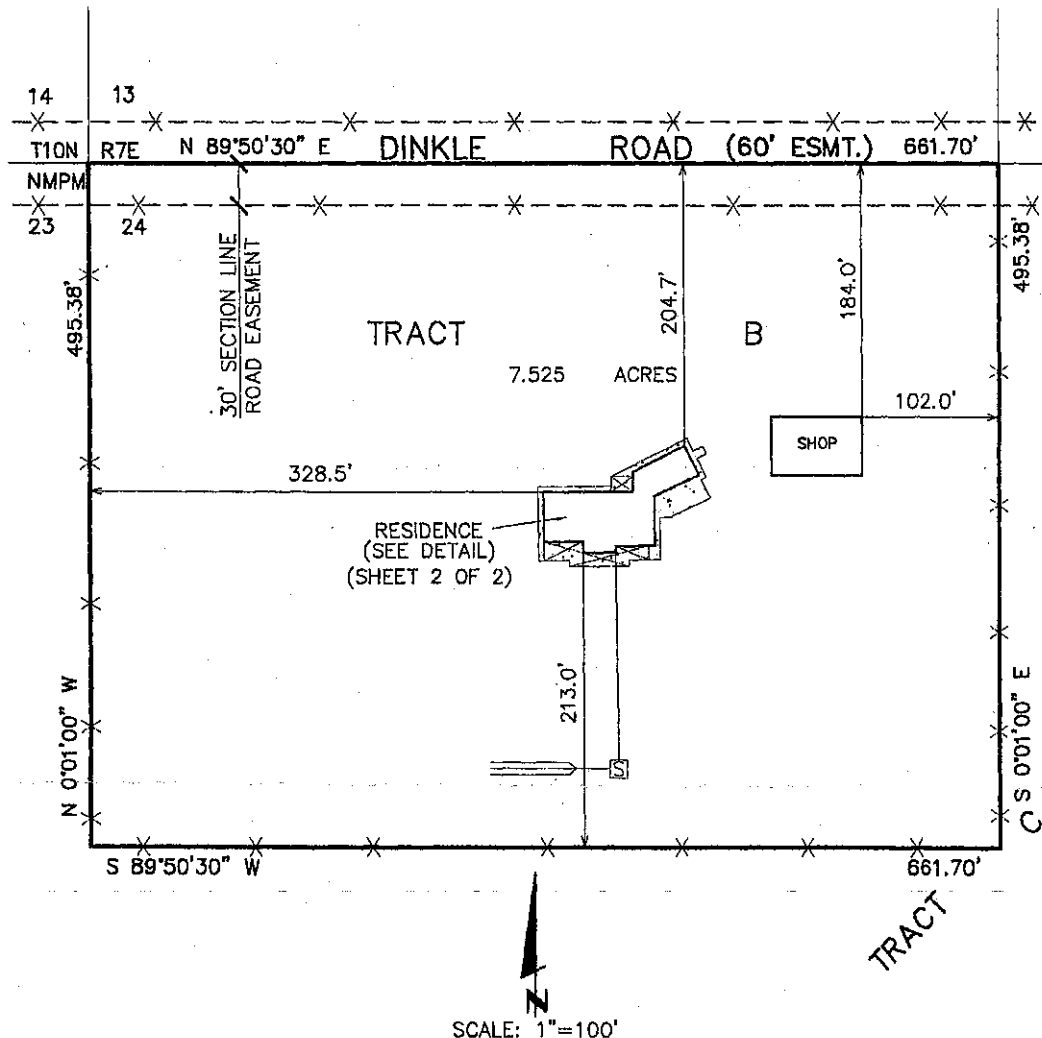
NOTES:

1. DESCRIPTION PROVIDED IN TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INS. CO. COMMITMENT NO. FT000167755
2. RECORD INFORMATION SHOWN IS FROM PLAT OF RECORD.
3. IMPROVEMENTS SHOWN ARE BASED UPON FIELD VERIFICATION.
4. NO SURVEY OR BOUNDARY VERIFICATION IS INCLUDED OR IMPLIED BY THIS REPORT.

LEGEND

—	BOUNDARY LINE		CONCRETE
- - -	EASEMENT LINE		COVERED PORCH
- X -	WIRE FENCE		SEPTIC TANK/ LEACH FIELD

THIS REPORT IS NOT FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.



THIS TRACT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD WHICH PERTAIN.
SHEET 1 OF 3

IMPROVEMENT LOCATION REPORT

I FURTHER CERTIFY AS TO THE EXISTENCE OF THE FOLLOWING AT THE TIME OF MY LAST INSPECTION:

1. EVIDENCE OF RIGHTS OF WAY, OLD HIGHWAYS OR ABANDONED ROADS, TRAILS OR DRIVEWAYS, SEWER, DRAINS, WATER, GAS OR OIL PIPE LINES ON OR CROSSING SAID PREMISES (SHOW LOCATION, IF NONE VISIBLE, SO INDICATED):

NONE EVIDENT

2. SPRINGS, STREAMS, RIVERS, PONDS OR LAKES LOCATED, BORDERING ON OR THROUGH SAID PREMISES:

NONE EVIDENT

3. EVIDENCE OF CEMETERIES OR FAMILY BURIAL GROUNDS LOCATED ON SAID PREMISES (SHOW LOCATION):

NONE EVIDENT

4. OVERHEAD UTILITY POLES, ANCHORS, PEDESTALS, WIRE OR LINES OVERHANGING OR CROSSING SAID PREMISES AND SERVING OTHER PROPERTIES (SHOW LOCATION):

NONE EVIDENT

5. JOINT DRIVEWAYS OR WALKWAYS, JOINT GARAGES, PARTY WALLS OR RIGHTS OF SUPPORT, STEPS OR ROOFS IN COMMON OR JOINT GARAGES:

NONE EVIDENT

6. APPARENT ENCROACHMENTS, IF THE BUILDING, PROJECTION OR CORNICES THEREOF, OR SIGNS AFFIXED THERETO, FENCES OR OTHER INDICATIONS OF OCCUPANCY APPEAR TO ENCROACH UPON OR OVERHANG ADJOINING PROPERTY, OR THE LIKE APPEAR TO ENCROACH UPON OR OVERHANG INSPECTED PREMISES, SPECIFY ALL SUCH (SHOWN LOCATION):

NONE EVIDENT

7. SPECIFIC PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES:

FENCE ALONG BOUNDARY AS SHOWN ON ATTACHED SKETCH.

8. IS THE PROPERTY IMPROVED? (IF STRUCTURES APPEAR TO ENCROACH OR APPEAR TO VIOLATE SET BACK LINES, SHOW APPROXIMATE DISTANCES):

YES

9. INDICATIONS OF RECENT BUILDING CONSTRUCTION, ALTERATION OR REPAIRS:

NONE EVIDENT

10. FLOOD FREQUENCY POTENTIAL:

LOCATED ENTIRELY OUTSIDE THE 100-YEAR (1%) FLOODPLAIN IN ZONE "X", ACCORDING TO F.I.R.M. NO. 35049 C1000E



Roger G. Scussel
SURVEYOR

NMPS NO. 14405

Oden & Associates surveyors engineers planners					
P.O. BOX 1976 200 U.S. ROUTE 66 MORIARTY, NM 87035 (505)832-1425 832-6996 (FAX)					
Designed	Date	Drawn	Date	Checked	Date
TRO	12/24/14	GS	12/29/14	RGS	12/30/14
Job #	S14-131	File	HUSTON 24107	COMP. FILE	29108
				DWG NAME	S14-131.DWG
					Sheet 3 of 3

560 Dinkle Road

Edgewood, NM

Legend

Dinkle Rd

Laser Rd

8

Summit Ln

Vista San Pedro

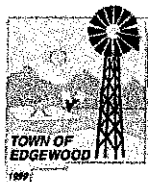
Halcon De Noche

Google earth

© 2016 Google

1000 ft





BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

MILFORD, TERRY

CASE: 2016-ZC 004

ZONE CHANGE FROM SU-SPECIAL USE TO RE-RESIDENTIAL ESTATE
FOR PROPERTY LOCATED AT 17 HILL RANCH ROAD, LANDS OF HOWARD AND DONA HILL TRUST, SE
¼ OF SECTION 4, T10N, R7E, N.M.P.M., SANTA FE COUNTY, EDGEWOOD, NM 87015

I. APPLICATION PROCESS

1.1 LEGAL

A request by Terry Milford, for a Zone Change from SU- Special Use to RE-Residential Estate zoning for property located at:

17 Hill Ranch Road, Lands of Howard and Dona Hill Trust, SE ¼ of Section 4, T10N, R7E, NMPM,
Santa Fe County, Edgewood, NM 87015.

2. PUBLIC MEETING

On May17, 2016 the Planning & Zoning Commission reviewed this application for recommendation to the Town Council.

Applicant Presenting Information : Mr. Terry Milford
Staff Presenting Information : Bonnie Pettee

3. FINDINGS OF FACT

- 3.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a recommendation to the Edgewood Town Council to approve this Zone Change application for Mr. Terry Milford.
- 3.2 The authority to recommend approval of this application is within the jurisdiction of the Commission.
- 3.3 Recommendation for approval of this Zone Change will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.

4. CONCLUSIONS OF LAW

The request for a Zone Change from SU-Special Use zoning to RE-Residential Estate zoning for a 9.4 acre parcel located at 17 Hill Ranch Road is:

4.1 Determined to have met the requirements for a Zone Change Request per the Zoning Ordinance 2014-02, Section 40 Amendments and Section 17. RE- Residential Estate Zone, with the following conditions:

A. Town Ordinances to be followed as the project moves forward in development.

- Zoning Ordinance
- Subdivision Ordinance
- Grading & Drainage Ordinance
- Landscaping Ordinance
- Uniform Fire Code
- Fire and Rescue Impact Fees

4.2 Approval of this request is not detrimental to the public health, safety or welfare in the zone in which it is proposed.

4.3 Approval of this request will not result in adverse impact on neighboring properties.

5. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends that Zone Change Application 2016-ZC 004, a request for a change to the zoning designation from SU- Special Use to RE- Residential Estate for the property identified as 17 Hill Ranch Road, Lands of Howard and Dona Hill Trust, SE ¼ of Section 4, T10N, R7E, NMPM, Santa Fe County, Edgewood, NM 87015 be forwarded to the Town Council for approval and Zone Map Amendment.

THIS RECOMMENDATION WAS APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION MAY 17, 2016.

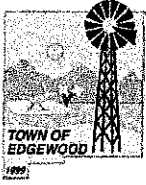
Dan Thompson, Chairman
Town of Edgewood Planning & Zoning Commission

Date

Attest:

Garry Bryant, Secretary
Town of Edgewood Planning & Zoning Commission

Date



BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

TIM ODEN & ASSOCIATES

CASE# 2016-SUB 002

MINOR SUBDIVISION FOR PROPERTY LOCATED AT:
LONE PINE RANCH, LOCATED AT 94 NM STATE HWY 344, PARCEL A, SECTION 22, T10N, R7E, N.M.P.M.,
TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO

I. APPLICATION PROCESS:

1.1 LEGAL:

The applicant is seeking approval of a Minor Subdivision of 142.2 acres into three (3) lots located at: 94 NM State Hwy 344, Parcel A, Section 22, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico.

2. PUBLIC MEETING:

On May 17, 2016 the Planning & Zoning Commission reviewed this application for approval of a Minor Subdivision.

2.1 APPLICANT SWORN IN FOR TESTIMONY: Mr. Tim Oden, Agent

2.2 STAFF SWORN IN FOR TESTIMONY: Ms. Bonnie Pettee

3. FINDINGS OF FACT:

3.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a determination if the plat satisfies the requirements of the Subdivision Ordinance.

3.2 Future development of these properties would be compatible with the surrounding properties.

3.3 Recommendation for approval of this minor subdivision will not be detrimental to the public welfare or cause a negative impact to the surrounding properties.

4. CONCLUSIONS OF LAW:

The request for an approval of the Minor Subdivision of 142.2 acres into three (3) lots located Lone Pine Ranch, Parcel A, Section 22, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico is:

4.1 Determined to have met the requirements of the Subdivision Ordinance, with the following conditions:

- Compliance with the Minor Subdivision Plat Contents as required in Section 8. C.3.f
- A new 20' easement east of the existing 60' easement.

A. Future development of the three (3) lots shall be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees
- Grading & Drainage
- Landscaping Ordinance
- Uniform Fire Code
- Zoning Ordinance
- Subdivision Ordinance

4.2 Additional accesses and road improvements would be subject to:

- Subdivision Ordinance, Section 12. Design Standards
- New Mexico Department of Transportation Regulations

4.3 The sub-division is not detrimental to the public health, safety or welfare in the zone in which it is proposed.

4.4 The sub-division will not have an adverse impact on neighboring properties.

5. ORDER OF DECISION:

Based on the Findings of Fact, Conclusions of Law, and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends approval of the Minor Subdivision, 2016-Sub 002 for the property located at 94 NM State Hwy 344, Lone Pine Ranch, Parcel A, Section 22, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico

**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW WAS APPROVED BY THE
EDGEWOOD PLANNING AND ZONING COMMISSION JUNE 6, 2016.**

Dan Thompson, Chairman

Date

Attest:

Garry Bryant, Secretary

Date

RESOLUTION NO: 2016-05
A RESOLUTION OF THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF EDGEWOOD

WHEREAS, Section 3-19-3 of the NM Statutes provides, in part that "A planning commission shall adopt rules for the transaction of business"; and

WHEREAS, the Planning and Zoning Commission of the Town of Edgewood (hereinafter called "Commission") desires that its business be conducted in a fair, impartial and orderly manner for the public good;

NOW THEREFORE, be it resolved that the following rules are established for the transaction of business before the Commission this 10th day of May 2016:

1) Members and Officers:

- a. By Town Ordinance 2014-05 the Commission shall consist of five (5) members, a minimum of three (3) of whom must reside within the municipal boundaries, and one alternate, appointed by the Mayor with the consent of the Town Council. Commissioners serve two-year terms, on a staggered basis.
- b. Terms for new Commissioners begin upon swearing in at a regularly scheduled Planning Commission meeting following appointment.
- c. The Commission at its first regularly scheduled meeting each January elects as Officers its Chairman, Vice-Chairman and Secretary, to serve one-year terms as outlined in Ordinance 2014-05.
 - i. **Chairman:** The duties of the Chairman include the following: presiding at all meetings of the Commission, calling special meetings as necessary, in coordination with the Town Administrator (or their designee), preparation of the meeting agenda, signing documents of the Commission, assuring that all actions of the Commission are taken in accordance with Town Ordinances and other relevant laws and regulations, representing the Commission and speaking on its behalf, where so prescribed in the Land Use regulations and ordinances of the Town of Edgewood.
 - ii. **Vice-Chairman:** The duties of the Vice-Chairman include the following: presiding or performing all the duties of the Chairman during the absence, disability or disqualification of the Chairman; reviewing and signing documents of the Commission.
 - iii. **Secretary:** The duties of the Secretary include the following: affirming and maintaining copies of the minutes of all meetings, and preparing or informing the Commission of correspondence relating to the business of the Commission. The recording and drafting of meeting minutes may be delegated to the Town Staff at the discretion of the Secretary.

2) **Meetings:**

- a. **Regular Meetings:** Regular meetings are held on the ~~first and third Monday~~ of each month, at the Edgewood Community Center at 6:00 PM, or, if that facility is not available, at a location in the Town of Edgewood fully accessible to the public.
- b. **Special Meetings:** Special meetings may be called by the Chairman or by a majority of Commissioners for a time and date certain at a location fully accessible to the public in the Town of Edgewood.
- c. **Meeting Notices:** Public notices of regular and special meetings of the Commission shall specify the date, time, location and subject matter of the meeting.
 - i. Where notice requirements are not otherwise specified by Ordinance, notices of regular meetings are posted a minimum of seven calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
 - ii. Where notice requirements are not otherwise specified by Ordinance, notice of special meetings are posted a minimum of three calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
 - iii. Notices for regular and special meetings are posted at the following places within the Town of Edgewood:

1. Municipal Offices:	1911 Route 66
2. Smith's Food & Drug Center:	2B State Road 344
3. Edgewood Community Library:	95 State Road 344
4. Mr. Gas Mart:	#1 State Road 344
5. Edgewood Community Center:	27 E. Frontage Road
6. Mail & Copy Business Center:	2 Marietta Court
- d. **Quorum:** A majority of the members of the Commission, but no less than three (3), shall constitute a quorum for the transaction of business.
- e. **Duration of Meetings:** Regular and Special meetings shall not extend beyond the hour of 10:00 p.m. unless agreed upon at the time the meeting takes place by a majority of Commission members in attendance and affirmed by any applicants with matters still pending. The Commission will make every effort to hear and consider all agenda items on a regular or special meeting prior to 10:00 p.m. If the Commission is unable to complete all agenda items by such hour, a Motion to reconvene at a date certain is in order. Notice of the time and place of the reconvened meeting will be posted within 24 hours of the approved Motion to Reconvene and such reconvened meeting will comply in all respects with the Open Meetings Act of the New Mexico Statutes. Reconvened meetings will be held only on an exceptional basis in compliance with the Ordinances.
- f. **Agenda:** The Commission's agenda for regular meetings shall proceed in the following sequence, unless otherwise agreed upon by vote of a majority of the Commission present:

call to order, approval of the agenda posted in advance; Commission business items, to include approval of minutes of prior meetings; applications for subdivision plat approval requests, zoning items, public comment, matters from the Chair and Commissioners, matters from the Town Staff, calendar update and adjournment.

- g. **Minutes:** Minutes are prepared using notes, electronic recordings or other media recordings taken at the meetings. The minutes include the following; the date, time and place of the meeting; the names of Commissioners in attendance and those absent; the names of Town Staff present; the agenda items; the substance of the proposals considered; names of citizens who address the Commission; a record of any decisions and votes taken which show how each member voted.
 - h. **Testimony under Oath:** All persons giving testimony before the Commission shall be sworn in under oath before proceeding by the Town Administrator, or other qualified notary public, and shall be obligated thereby to testify in a truthful manner.
 - i. To assist in the orderly presentation of testimony and maintenance of minutes and other Commission records, all persons wishing to testify (and attorneys representing clients) are asked to provide their names and addresses on the sign-in sheet prior to appearing before the Commission.
- 3) **Conduct of Meetings:** Roberts Rules of Order, newly Revised is hereby adopted for the governance of the Commission in cases not otherwise provided for in these rules.
- a. When conducting hearings in performance of its quasi-judicial functions, the Commission shall follow the due process requirements of State of New Mexico ex. Rel. Battershell v. City of Albuquerque. 108 N.M. 658, 77 P2d 386 (Ct. App. 1987)
 - b. **Presentation by Applicants and the Public:** Applicant will be allowed up to 15 minutes to make their presentation. At the conclusion of an applicant's presentation, Commissioners may question the applicant to assist their understanding. Persons in favor of the application will be invited to speak, then person's opposed to the application will be invited to speak. Proponents, opponents and others testifying are asked to confine their remarks to matters relevant to the commission's decision-making responsibilities concerning the pending application. The applicant may cross-examine those appearing in support of, in opposition to, or presenting testimony concerning his/her application. Speakers will be called to the podium by the Chairman.
 - c. The Town Administrator (or their designee) will acknowledge and enter into the record signed, written communications received from the public concerning the pending application at least five (5) working days prior to the public hearing and those communications will be distributed to the Commission and the applicant by the Department staff. No written documents shall be distributed to the Commission except through the Community Planning and Development Department.
 - d. At no time will the public be allowed to confront the applicant or members of the Planning Commission using derogatory language or in an unprofessional manner. The Chair shall have the discretion to require a person to leave the hearing if this occurs.

After the hearing is closed, discussion will be limited to the Commission and the Staff.

- 4) **Voting and Decisions by the Commission:** Decisions by the Commission shall be made in the affirmative on motion by a Commissioner, duly seconded. Approval of a motion shall occur on the affirmative verbal vote of a majority of Commissioners present. If the decision is unanimous, the Chairman shall so state for the record. In the event of a divided vote, the Chairman shall announce those Commissioners recorded in favor, those recorded against, and those abstaining. Voting in absentia, fax or other written or electronic means is not permitted. Voting during closed sessions or by secret ballot is not permitted. The maker of a motion shall set forth supporting reasons (findings) in the text of his/her motion to assist in understanding the decision to be made by the Commission.
- 5) **Completeness of Materials and Record of the Meeting:** It is the responsibility of applicants to present all relevant written material in accordance with Ordinances as required and present all relevant testimony prior to decisions by the Commission. Applicants will not be permitted to supplement or add new documents after the Commission's action. All testimony, information and documents submitted to the Commission prior to its decision and the transcript of the meeting will constitute the record in the event of an appeal.
- 6) **Postponement of Decisions:** Following receipt of all testimony, the Commission may choose to keep the record open for a period not to exceed the time until the next regularly scheduled meeting, and reserves its right to postpone vote and decision making to a subsequent meeting, unless town ordinances or laws require a decision be made with a specific time.
- 7) **Distribution of Materials to Commissioners:** Agenda and other written materials assembled for distribution to Commissioners by the Community Planning & Development Department shall be provided electronically via Town e-mail, and copies placed in the cabinet provided for that purpose outside of the Municipal Offices. It is the responsibility of each Commissioner to check periodically his/her name slot to remove materials for preparation in advance of meetings.
 - a. The Commission requests staff of the Community Planning & Development Department to distribute all written material needed for preparation for decision-making by the Commission at least five (5) working days prior to regular or special meetings.
 - b. The Commission requests that except in unusual circumstances, written communications from professionals such as legal counsel or professional engineers retained by the Town regarding matters pending before the Commission shall be distributed at least five (5) working days prior to regular or special meetings.
- 8) **Ex Parte Communication:** When an application or other request is placed on the agenda for a regular or special meeting it becomes a matter within the jurisdiction of the Commission and subject to the legal restraints on ex parte communications with

Commissioners. Undisclosed ex parte communications could compromise the fair and open purposes of these rules for the transaction of Commission business. If a Commissioner believes he/she has been contacted ex parte on a matter pending before the Commission, it is his/her obligation so to inform the other members of the Commission prior to the matters consideration and, if the ex parte communication was in writing, submit it as part of the record for the meeting.

- 9) **Conflicts of Interest:** Applications, presented to the Commission for decision may, on occasion, present the potential for conflicts of interest for individual Commissioners. A conflict could exist if a decision conferred a direct or indirect financial or personal benefit to a member of the Commission or benefit someone with whom the Commissioner has a business or kinship relationship.

It is the obligation of each Commissioner to declare for the record any instance where a conflict of interest or the appearance of a conflict of interest might exist with regard to matters pending before the Commission. Such Commissioner must then withdraw from further deliberations, including participation in discussion, and any decision making and should leave the room where the hearing is taking place.

- 10) **Site Visits:** The Commission may conduct properly noticed meetings for the purpose of site visits. The objective of the site visit is to provide Commissioners with a geographic orientation. Members of the public may attend, however, no public testimony, substantive discussion of the issues or exchange of evidence will be allowed. In addition, ex parte communication with members of the Commission is prohibited.

- a. Site visits will be publicly noticed and will normally take place on the day of the planning & zoning commission meeting giving sufficient time to arrive back at the Community Center at least 15 minutes before the start of the commission meeting.
- b. Commissioners should either travel to the site at the same time, if present at the site before the visit begins particular care should be taken to ensure that they maintain their objectivity. Hospitality or lifts should not be accepted from applicant or objector as this could be seen to show favor.
- c. Members may ask the Town Administrator (or their designee) for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties. At no time during the site visit should commissioners debate or comment on the planning merits of a proposal.
- d. The Commission attendance at the site visits will be noted in the minutes.

- 11) **Amendments to these Rules:** These rules may be amended at any regular or special meeting by vote of a majority of the entire membership of the Commission, provided that a written copy of the proposed amendment has been distributed to each member of the commission seven days in advance of such meeting.

PASSED AND ADOPTED THIS 10th day of May, 2016

Dan Thompson, Vice Chairman

ATTEST:

Cheryl Huppertz, Secretary

Ordinance No. 2014-05

AN ORDINANCE AMENDING THE ORDINANCE CREATING A PLANNING COMMISSION FOR THE TOWN OF EDGEWOOD, NEW MEXICO, REPEALING ORDINANCE NO. 1999-S, AND PRESCRIBING THE POWERS, DUTIES AND ORGANIZATION OF SAID COMMISSION.

BE IT ORDAINED BY THE TOWN GOVERNING BODY OF EDGEWOOD:

Section 1. Purpose

The purpose of this ordinance is to establish a municipal organization of appointed officials in order to promote and carry out a continuing process of comprehensive planning within the jurisdiction of the Town of Edgewood, hereinafter called the Town.

Section 2. Planning Board

- A. Creation. There is hereby created a Planning Commission for the Town, pursuant to sections 3-19-1 through 3-19-4, NMSA 1978.
- B. Membership. The Planning Board shall consist of not less than five (5) members, a minimum of three (3) of whom must reside within the municipal boundaries, and one (1) alternate, and all members shall be appointed by the Mayor with the consent of the Town Council. Members must either reside within the Municipal boundaries, or must certify that they own property within the Municipal boundaries, reside within the extra-territorial zoning limits, or own a business located within the municipal boundaries. Preference shall be given to persons residing within the Town's municipal boundaries.
- C. Terms. A majority of the members on the first Planning Commission shall be appointed by the Mayor for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term shall be for two years or less in order to maintain the original staggering. Appointments, reappointments, and vacancies shall be filled by Mayoral appointment with Council approval. Vacancies shall be filled for the remainder of the Commissioners' unexpired term. The Mayor may remove, with Town Council approval and for cause stated in writing and made part of the public record, a member of the Planning Commission.

Section 3. Powers & Duties

- A. Delegation of Powers and Duties. The Planning Commission shall have such powers and duties as may be delegated to it by the Town Governing Body. There are hereby delegated the following:

1. The Planning Commission shall promote a comprehensive planning process with general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the Town.
2. The Planning Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future growth of the Town and shall make recommendations on means of protecting and improving the environment.
3. The Planning Commission shall have those powers and duties necessary to perform its function as stated within the provisions of the Town Zoning Ordinance.
4. The Planning Commission may recommend to the Town Governing Body, programs for Public improvements and their financing.
5. The Planning Commission is authorized to confer with other Municipal, County, Regional, State or Federal agencies, as it deems necessary.

Section 4. Organization

- A. Officers. The Planning Commission shall elect from its members a chairman and a vice-chairman and secretary for one-year terms. Officers may be re-elected for an indefinite number of terms. In the absence of both the chairman and the vice-chairman, the remaining members shall choose one of their numbers to act as temporary chairman. In the absence of the secretary, the remaining members shall choose one of their numbers to act as temporary secretary.
- B. Duties of Officers. The chairman shall preside at meetings, appoint appropriate committees, and direct the affairs of the commission. In the absence of the chairman, if the planning commission elected to appoint a vice-chairman, the duties of the chairman shall be performed by the vice-chairman. The secretary shall attest by signature to the minutes as prepared by the Town staff and approved by the Commission. The secretary shall collaborate with Town staff in preparation of meeting minutes. The secretary shall also act as the contact person between the Commission and the Town staff regarding questions or issues regarding the preparation and distribution of minutes and other materials.
- C. Conduct of Business. The Planning Commission shall adopt and publish such rules, regulations, and procedures for the conduct of business as seem appropriate to its members. A quorum shall be a majority of the membership of the Planning Commission.
- D. Meetings. The Planning Commission shall hold regularly scheduled meetings at least once a month and such meetings will be open to the public. The Planning Commission may hold special meetings as may be called by the chairman or vice-chairman with at least 24-hour public notice.
- E. Records. A public record shall be kept of all actions and considerations undertaken by the Planning Commission. The records shall be filed with the Town Clerk and kept available for public inspection in the office of the Town Clerk during normal office hours.

Section 5. Severability

If any section, subsection, paragraph, sentence, clause, phrase, or part hereof are for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected as it is the express intent of the Town that every part hereof be separate and independent of every other part.

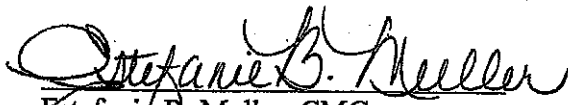
Section 6. Effective Date

This Ordinance shall take effect on the 15th day of October, 2014 and shall repeal Ordinance No. 1999-S.

PASSED, APPROVED AND ADOPTED this 15th day of October, 2014


Brad E. Hill, Mayor

ATTEST:


Estefanie B. Muller, CMC
Clerk Treasurer

